

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CAPPSEALS, INC.,

Plaintiff,

v.

DIRECT MARKETING CONCEPTS, INC.,
ITV DIRECT, INC., DIRECT FULFILLMENT,
LLC, DONALD BARRETT, and ROBERT
MAIHOS,

Defendants.

CIVIL ACTION NO. 05-CV-11907-JLT

MOTION FOR LEAVE TO FILE A SURREPLY

The defendant Direct Marketing Concepts, Inc. (“DMC”) hereby moves that the Court grant it leave to file a surreply in response to the Reply Memorandum submitted by the Plaintiff Cappseals, Inc. (“Cappseals”) in support of its Motion for Partial Summary Judgment against DMC.

In its surreply, DMC seeks to address the incorrect and misleading assertions, mischaracterization of the facts in the record, and the inappropriate arguments contained in the Cappseals’ Reply Memorandum.

WHEREFORE, DMC respectfully requests that the Motion be allowed and that DMC be granted leave to file a surreply in response to Plaintiff’s Reply Memorandum to its Motion for Partial Summary Judgment.

Respectfully submitted,
DIRECT MARKETING CONCEPTS, INC.

By its attorney(s),

/s/ Susan W. Gelwick

Peter S. Brooks, BBO #058980

Susan W. Gelwick, BBO #567115

Christopher F. Robertson, BBO #642094

SEYFARTH SHAW LLP

Two Seaport Lane, Suite 300

Boston, MA 02210-2028

Telephone: (617) 946-4800

Telecopier: (617) 946-4801

Dated: January 30, 2006